

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE CONSTITUTION PARTY OF
NEW MEXICO,

Plaintiff,

vs.

Civ. No. 1:12-325 KG/LFG

DIANNA J. DURAN, in her official capacity
as New Mexico Secretary of State,

Defendant.

DECLARATORY JUDGMENT AND
FINAL SUMMARY JUDGMENT IN FAVOR OF PLAINTIFF

Having granted Plaintiff's Motion for Summary Judgment (Doc. 26), in part, by a Memorandum Opinion and Order entered contemporaneously with this Declaratory Judgment and Final Summary Judgment in Favor of Plaintiff,

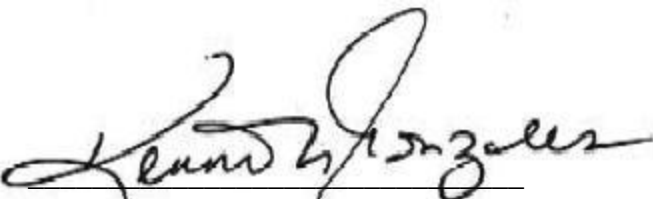
IT IS DECLARED that NMSA 1978, Sections 1-7-2(A) and 1-7-4(A) (1969) violate the First and Fourteenth Amendments of the United States Constitution to the extent that those Sections require minor political parties to file qualifying petitions "no later than the first Tuesday in April before any election in which [the minor party] is authorized to participate,"

AND IT IS ORDERED that

1. summary judgment is entered in Plaintiff's favor on its 42 U.S.C. Section 1983 claims; and

2. Defendant is permanently enjoined from enforcing NMSA 1978, Sections 1-7-1(A) and 1-7-4(A) (1969) to the extent that those Sections require minor political parties to file qualifying petitions "no later than the first Tuesday in April before any election in which [the

minor party] is authorized to participate.”



UNITED STATES DISTRICT JUDGE